

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHELE NOYES,

Plaintiff,

Civil No. 03-1651-HU

v.

O R D E R

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

HAGGERTY, Chief Judge:

Magistrate Judge Hubel has issued a Findings and Recommendation (doc. 26) in this action which recommends remanding the case to the Commissioner for the development of a proper record and decision by the Administrative Law Judge (ALJ) on the following issues identified by the Magistrate Judge in the Findings and Recommendation:

the need for (1) properly evaluating and weighing medical evidence and providing specific and legitimate reasons for rejecting the testimony of treating physicians Deodhar and Klos and the opinion of examining psychologist Richardson; (2) re-evaluating the plaintiff's testimony and credibility with the advantages of a more fully developed record; and (3) posing a more appropriate and complete hypothetical question to the Vocational Expert.

No objections were filed, and the case was referred to me. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate. *Campbell v. United States District Court*, 501 F.2d 196 (9th Cir. 1974).

No clear error appears on the face of the record. This court adopts the Magistrate Judge's well-reasoned and thorough Findings and Recommendation in its entirety.

CONCLUSION

The Magistrate Judge's Findings and Recommendation (doc. 26) is adopted. This action is remanded for the development of a proper record and decision by the ALJ in accordance with the reasoning and analysis set forth in the Findings and Recommendation.

IT IS SO ORDERED.

Dated this 19 day of May, 2005.

/s/Ancer L.Haggerty

Ancer L. Haggerty
United States District Judge